

## **HONORABLE LONNY R. SUKO**

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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

The Plaintiff by reference incorporates into this Counter Statement of Facts Plaintiff's Statement of Facts submitted for the Plaintiff's Motion for Summary Judgment. In addition the Plaintiff sets forth below those facts from the Defendant's Statement of Facts where there is an issue.

The below facts will use the same numbers as those set forth in the Defendant's Statement of Facts.

## **COUNTER STATEMENT OF FACTS**

2. Eddie Ford does not agree that his music was excessively loud.

11. The Plaintiff does not dispute that the quote taken from the

10 Deposition of Officer Urlacher is accurate. However, the Plaintiff's Statement  
11  
12 of Facts set forth the fact that Plaintiff was confused as to why the officer was  
13 tailgating him and he simply stepped out of his car to ask the officer what was  
14 going on. Ex. A, pages 5-8.  
15  
16

13. The Plaintiff did not park on the side of the road but in fact pulled off of the road and into a small parking area (*see*, COBAN Police Video).

14. The Plaintiff did not exit his vehicle in a very uncivil manner. The Plaintiff raised his voice but did not “yell”.

21. Officer Urlacher made the decision that he was going to put hand cuffs on the Plaintiff but he had not decided whether or not he was going to give him a ticket and let him go or take him to jail and book him. Ex. B, 19:7-16.

39. Officer Urlacher did not say that the Plaintiff thought he was Mike Tyson, rather Officer Urlacher said that he, meaning himself, thought the Plaintiff was Mike Tyson meaning he was like Mike Tyson in terms of size and strength.

45. Officer Urlacher's testimony was simply self-serving.

54. With the exception of the first two bullet points, Sgt. Oven's opinions are improper conclusions of law.

DATED this 13<sup>th</sup> Day of January, 2011.

LAW OFFICE OF WILLIAM D. PICKETT

/s/ William D. Pickett

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**WILLIAM D. PICKETT, WSBA NO. 27867**  
Attorney for Plaintiff

***CERTIFICATE OF SERVICE***

I hereby certify that on January 13, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED at Yakima, Washington, this 13<sup>th</sup> day of January 2011.

By \_\_\_\_\_ /s/ William D. Pickett  
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